

REMARKS

In the Office Action of October 14, 2005, the Examiner rejected claims 1, 3, 6, 7 and 10 under 35 USC 102 (b) as anticipated by U. S. Patent No. 5,383,111 to Homma et al. ("Homma"). Claims 2, 4, 5, 8 and 9 stand rejected under 35 USC 103 (a) as obvious over Homma in view of U. S. Patent No. 5,493,107 to Gupta et al. ("Gupta").

Applicant responds as follows:

I. Restriction Requirement Election

Applicant acknowledges that the election made in response to the earlier restriction requirement was to claims 1 through 10 and that this election was made without traverse.

II. Rejection of Claims 1, 3, 6, 7 and 10 under 35 USC 102 (b) as anticipated by U. S. Patent No. 5,383,111 to Homma et al.

This rejection based on Homma is to the original claims that do not cover the preferred embodiments set forth in the remaining claims. Homma is directed to a system for article or goods display control and to a system for obtaining merchandise information to control sales and stock amounts (Col. 1, Lines 6-10). Homma is specifically directed to the use of coordinates where new products are daily supplied or the display positions are changed (moveable hangers, boxes, etc.) (Col. 2, Lines 2-15). Homma does not teach or anticipate the creation of consumer product directories utilizing the unique system of having location bar codes on the locations that contain both genus and species information, as in the present invention. The new claims are specifically

directed to this system consisting of these features so that a directory is created whereby a shopper may input a product and the directory will provide both the row or aisle and the shelf, bin or drawer where the product is located. Additionally, Homma requires that each article in a box or section be read into the program in a predetermined order and the information is stored in the reading sequence of the barcode reader inputs to create a file sequence (Col. 8, Lines 29-44). This is both cumbersome and dangerous in that barcode reader sequencing is required. In the present invention, any reading of a product code and a genus-species locator code pair creates location data in the directory for future location of the product. This programming capability is specifically set forth in the last paragraph (f) of new claim 19, as it was in original claim 1. Homma is totally lacking in this teaching and for this reason, as well as all of the other reasons set forth above, neither anticipates nor renders the present invention obvious as now set forth in the new claims.

III. Claims 2, 4, 5, 8 and 9 stand rejected under 35 USC 103 (a) as obvious over

Homma in view of U. S. Patent No. 5,493,107 to Gupta et al.

The comments in paragraph II above regarding Homma are repeated and incorporated herein by reference. The secondary reference to Gupta is relied upon to show the use of universal bar codes and to show the price/location bar codes. The existence of universal price codes at the time the present application was filed is acknowledged. However, Gupta requires specific products to be placed at specific portions of a shelf and the location information is on the shelf at that location. This is not genus/species information for what shelf a product is on, but rather forces exact positioning on the shelves, unlike the present invention. Also, the specific program

capabilities of the present invention as set forth in claim 19 is not taught by Gupta.

Further, Gupta fails to overcome any of the shortcomings of Homma as set forth in the preceding section. Thus, it is urged that this rejection be withdrawn.

IV. Summary

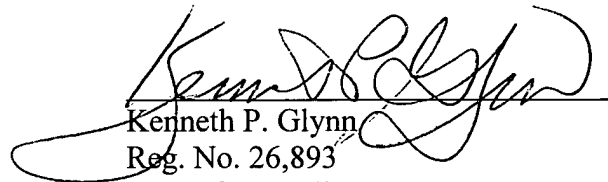
A Petition for Extension of Time to answer, along with the statutory fee is also enclosed.

In view of the above amendments and remarks, and the Petition and fee, it is urged that claims 19 through 26, should be allowed. An early and favorable response is earnestly solicited.

Thank you.

Respectfully submitted,

Dated: March 21, 2006



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enclosures
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EM RRR EQ 606452583 US



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of:

Jerome R. Mahoney

Serial No.: 10/696,531

Filing Date: October 28, 2003

For: PRODUCT LOCATION METHOD
UTILIZING PRODUCT BAR CODE
AND AISLE-SITUATED, AISLE-
IDENTIFYING BAR CODE

: Examiner:

: KHOI H. TRAN

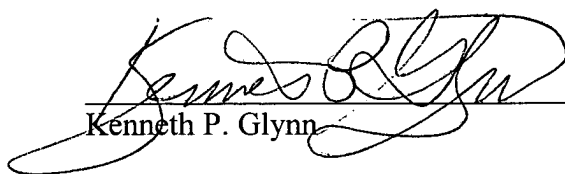
: Group Art Unit No. 3651

: Attorney Docket No.

: IVC-104A

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Kenneth P. Glynn

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